

JOURNAL OF THE SENATE

EIGHTY-EIGHTH SESSION

SEVENTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Thursday, January 17, 2013

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Larry Cass, followed by the Pledge of Allegiance led by Senate page Michaela Stroup.

Roll Call: All members present.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the sixth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Corey Brown, Chair

Which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Judiciary respectfully reports that it has had under consideration SB 35, 36, 39, and 43 and returns the same with the recommendation that said bills do pass.

Respectfully submitted,
Craig Tieszen, Chair

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 52 and returns the same with the recommendation that said bill do pass.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 65 and returns the same with the recommendation that said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 62 and returns the same with the recommendation that said bill be amended as follows:

62ja

On page 1, line 15, of the printed bill, after "," insert "and all appeals of the revocation have been exhausted".

And that as so amended said bill do pass and be placed on the consent calendar.

Also MR. PRESIDENT:

The Committee on Commerce and Energy respectfully reports that it has had under consideration SB 66 and returns the same with the recommendation that said bill be amended as follows:

1 66sa

2 On page 5 of the printed bill, delete lines 11 and 12, and insert "~~inclusive~~. A salesperson
3 may ~~give opinions of value~~ perform a broker price opinion or comparative market analysis for
4 purposes of purchase, sale, lease, rental, or exchange of real property."

5 And that as so amended said bill do pass and be placed on the consent calendar.

6 Respectfully submitted,
7 Ried S. Holien, Chair

8 Also MR. PRESIDENT:

9 The Committee on Education respectfully reports that it has had under consideration SB 4
10 and returns the same with the recommendation that said bill do pass.

11 Also MR. PRESIDENT:

12 The Committee on Education respectfully reports that it has had under consideration SB 3
13 and returns the same with the recommendation that said bill be amended as follows:

14 3ca

15 On page 1, line 7, of the printed bill, after "Regents" insert "and the Department of Labor
16 and Regulation".

17 On page 2, line 3, after "Education" insert "and the Department of Labor and Regulation".

18 And that as so amended said bill do pass.

19 Also MR. PRESIDENT:

20 The Committee on Education respectfully reports that it has had under consideration SB 5
21 and returns the same with the recommendation that said bill be amended as follows:

22 5cc

23 On the printed bill, delete everything after the enacting clause and insert:

24 "Section 1. Terms used in this Act mean:

25 (1) "Average state appropriation per higher education student," the average state general
26 fund appropriation for each student enrolled in an institution of higher education
27 under the control of the Board of Regents for the previous fiscal year as determined
28 by the Bureau of Finance and Management;

1 (2) "Full-time equivalent," at the postsecondary technical institutes equals thirty credit
2 hours of instruction per year, and at the institutions under the control of the Board
3 of Regents equals thirty credit hours of instruction per year for undergraduates,
4 twenty-four credit hours of instruction per year for students seeking master's and
5 doctoral degrees, thirty credit hours of instruction per year for students in law school,
6 and thirty-eight credit hours of instruction per year for students in medical school;

7 (3) "Projected state general fund increase," the estimated percentage change in state
8 general fund revenue, as submitted by the Governor pursuant to § 4-7-10 or as
9 adopted by the standing committees on appropriations;

10 (4) "Public postsecondary education institutions," the postsecondary technical institutes
11 under the control of the Board of Education and the institutions of higher education
12 under the control of the Board of Regents; and

13 (5) "Public postsecondary education systems," the system of postsecondary technical
14 institutes under the control of the Board of Education and the system of institutions
15 of higher education under the control of the Board of Regents.

16 Section 2. The Legislature hereby finds, and declares to be the public policy of this state,
17 that the purpose of public postsecondary education is to provide the following:

18 (1) A workforce that meets the current and prospective needs of the state's economy;

19 (2) Affordable postsecondary educational opportunities for all state citizens;

20 (3) Access to postsecondary education programs that serve to increase the educational
21 attainment of the state's citizenry and thereby enable citizens to provide leadership
22 in all sectors of life in the state; and

23 (4) A foundation upon which the state can grow the development and innovation
24 capacities of the state's economy.

25 Section 3. The Legislature hereby recognizes that the current goals for public postsecondary
26 education systems and institutions are as follows:

27 (1) To increase the number of graduates for the state's workforce; and

28 (2) To increase the growth capacity of the state's economy by increasing the innovation
29 and development capacity of the state and by increasing the skills of the state's
30 current workforce.

31 Section 4. The Council on Higher Education Policy Goals, Performance, and
32 Accountability, established in section 6 of this Act, shall use the following performance metrics
33 to monitor the institutional progress toward the goals declared in section 3 of this Act:

1 (1) For the goal in section 3, subdivision (1) of this Act:

2 (a) Increases in the number of graduates at all postsecondary education
3 institutions, particularly those graduates in select disciplines and at certain
4 levels, and those graduates who remain in the state for employment or further
5 study;

6 (b) Increases in the number of undergraduate degrees earned by at-risk students,
7 including low-income students, Native American students, nontraditional
8 students, and those students underprepared for higher education;

9 (c) Increases in credit hour completions at all public postsecondary education
10 institutions; and

11 (d) Increases in the retention of students from their first year of postsecondary
12 education to their second year of postsecondary education at all public
13 postsecondary education institutions;

14 (2) For the goal stated in section 3, subdivision (2) of this Act, increases in the
15 expenditures in research at postsecondary institutions under the control of the Board
16 of Regents.

17 Section 5. Sections 3 and 4 of this Act are repealed on June 30, 2015.

18 Section 6. There is hereby created the Council on Higher Education Policy Goals,
19 Performance, and Accountability. The council shall consist of the following members:

20 (1) The Governor or the Governor's designee;

21 (2) The secretary of the Department of Labor and Regulation;

22 (3) The commissioner of the Governor's Office of Economic Development;

23 (4) The commissioner of the Bureau of Finance and Management;

24 (5) Three members of the House of Representatives, appointed by the speaker of the
25 House of Representatives;

26 (6) Three members of the Senate, appointed by the president pro tempore of the Senate;

27 (7) Two members of the Board of Regents;

28 (8) The executive director of the Board of Regents;

29 (9) The secretary of the Department of Education;

30 (10) The director of the Division of Curriculum, Career and Technical Education in the
31 Department of Education;

1 (11) A president of an institution of higher education under the control of the Board of
2 Regents who shall serve for one year and be determined by a rotating order based on
3 the year of the establishment of the institution; and

4 (12) A president of a public postsecondary technical institute who shall serve for one year
5 and be determined by a rotating order based on the year of the establishment of the
6 postsecondary technical institute.

7 The Governor or the Governor's designee shall serve as the chair of the council. In 2013 and
8 2014, the council shall meet once each year to monitor the progress of the public postsecondary
9 education systems and institutions toward the goals established in section 3 of this Act.

10 Section 7. Beginning in 2015, and in every year immediately following a gubernatorial
11 election thereafter, the Council on Higher Education Policy Goals, Performance, and
12 Accountability shall meet to review, endorse, and recommend to the executive branch, the
13 Legislature, and the respective postsecondary education governing boards the four-year goals
14 for the public postsecondary education systems and institutions and the performance metrics
15 by which the council will monitor the progress toward those goals. The initial goals established
16 by the council shall take effect on July 1, 2015, and subsequent goals will take effect every four
17 years thereafter. In intervening years, the council shall meet annually to monitor the progress
18 toward the goals. When establishing goals and performance metrics, the council shall draw
19 upon public input from any persons who may be concerned or knowledgeable in these areas.
20 A majority of the members appointed to the council constitutes a quorum for the purposes of
21 conducting business. Any action may be taken by a vote of the majority of the members present
22 at a meeting. The duties of the council include only those stipulated in this Act and do not
23 impinge on the constitutional powers and duties of the Board of Regents or the legislative
24 powers and duties of the Board of Education or include participation in the operation,
25 management, or oversight of any postsecondary education institution in the state.

26 Section 8. The Board of Regents and the Board of Education shall each provide to the
27 Council on Higher Education Policy Goals, Performance, and Accountability an annual
28 accountability report. The initial accountability report, to be provided to the council in 2013,
29 shall contain, for each of the postsecondary education institutions under the respective board's
30 control, information on the following:

31 (1) Improvements in on-time degree completions;

32 (2) Affordability for students;

33 (3) The placement of graduates in jobs or further study in South Dakota; and

34 (4) Improvements in the percentages of graduates who are successful in passing
35 licensure, certification, or exit exams administered by third parties.

1 The council shall determine the content of subsequent accountability reports.

2 Section 9. To achieve the public purpose and goals established for postsecondary education
3 in the state pursuant to this Act, the state funding for the higher education system may be
4 calculated as follows:

5 (1) If the projected state general fund increase for the next fiscal year is equal to or
6 greater than the cost of the inflationary increase established in this subdivision, the
7 higher education system shall receive, through the normal budgeting process, an
8 operating budget inflationary increase equal to the annual percentage change in the
9 consumer price index for urban wage earners and clerical workers as computed by
10 the Bureau of Labor Statistics of the United States Department of Labor for the year
11 before the year immediately preceding the year of adjustment or three percent,
12 whichever is less. For the purpose of this section, the operating budget does not
13 include any portion of the budget that contains funding for salaries and benefits for
14 any employees provided by the Legislature through the General Appropriations Act;

15 (2) If the higher education system receives the inflationary increase in subdivision (1),
16 and the cost of the increase is less than the projected state general fund increase, the
17 higher education system may receive additional funding through the normal
18 budgeting process for performance funding. Any sum appropriated from the general
19 fund for the purpose of performance funding shall be provided to the Board of
20 Regents. The Board of Regents shall then determine the allocation of funds to the
21 institutions it governs that reflect institutional performance and system strategic
22 investments. For fiscal years 2014 and 2015, funds appropriated for performance
23 funding shall be awarded to the higher education institutions based on improvements
24 in the following areas:

25 (a) One-half of the performance funding shall be based on the number of new
26 graduates with special emphasis on those graduates with degrees in science,
27 technology, engineering, and mathematics or other critical need areas as
28 determined by the Council on Higher Education Policy Goals, Performance,
29 and Accountability established in section 6 of this Act; and

30 (b) One-half of the funding shall be based on the growth of expenditures for
31 research;

32 For fiscal year 2016 and in subsequent fiscal years, the performance funding shall
33 be awarded to the Board of Regents based on criteria established by the Council of
34 Higher Education Policy Goals, Performance and Accountability; and

35 (3) If the higher education system receives the inflationary increase in subdivision (1)
36 and the performance funding in subdivision (2), and the cost of both of the increases
37 is less than the projected state general fund increase, the higher education institutions
38 may also receive, through the normal budgeting process, a mission expansion
39 increase calculated pursuant to this subsection to reflect expanded student services
40 and increases in enrollments and credit hour completions. If the inflationary increase
41 calculated in subdivision (1), the performance funding provided pursuant to

subdivision (2), and the amount calculated in this subdivision for a mission expansion increase is greater than the projected state general fund increase, each higher education institution shall receive a pro rata share of the total amount calculated. The mission expansion increase shall be calculated as follows:

(a) Each institution of higher education shall receive a payment equal to one-half of the average state appropriation per higher education student for each full-time equivalent enrollment in the previous fiscal year that exceeded the total full-time equivalent enrollment in the year preceding the previous fiscal year; and

(b) Each institution of higher education shall also receive a payment equal to one-half of the average state appropriation per higher education student for each full-time equivalent of credit hour completions in the previous fiscal year that exceeded the total full-time equivalent of credit hour completions in the year preceding the previous fiscal year. The full-time equivalent of credit hour completions for which an institution is entitled to a payment pursuant to this section shall be calculated as follows:

(i) For the previous fiscal year, at each degree level, divide the total number of credit hours completed at that institution by the number of credit hours required to be a full-time equivalent student;

(ii) For the year prior to the previous fiscal year, at each degree level, divide the total number of credit hours completed at that institution by the number of credit hours required to be a full-time equivalent student;

(iii) If the product of subsection (i) is greater than the product of subsection (ii), calculate the difference between the two at each degree level; and

(iv) Add together the results for each degree level;

In addition to the mission expansion funding calculated pursuant to this subsection, the Legislature may also provide additional funding to institutions of higher education for the expansion of program mission."

5ctb

On page 1, line 2, of the printed bill, delete "postsecondary" and insert "higher".

And that as so amended said bill do pass.

Respectfully submitted,
J. Mark Johnston, Chair

1 Also MR. PRESIDENT:

2 The Committee on Agriculture and Natural Resources respectfully reports that it has had
3 under consideration SB 40 which was tabled.

4 Respectfully submitted,
5 Shantel Krebs, Chair

6 **MESSAGE FROM THE HOUSE**

7 MR. PRESIDENT:

8 I have the honor to transmit herewith HB 1022, 1040, 1041, 1042, 1043, 1044, and 1058
9 which have passed the House and your favorable consideration is respectfully requested.

10 Respectfully,
11 Arlene Kvislen, Chief Clerk

12 **MOTIONS AND RESOLUTIONS**

13 Sen. Olson moved that when we adjourn today, we adjourn to convene at 1:00 p.m. on
14 January 18, the 8th legislative day.

15 Which motion prevailed.

16 **CONSIDERATION OF REPORT OF COMMITTEE**

17 Sen. Olson moved that the report of the Standing Committee on

18 Health and Human Services on SB 24 as found on page 114 of the Senate Journal be
19 adopted.

20 Which motion prevailed.

21 **FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS**

22 SB 78 Introduced by: Senators Vehle, Maher, Novstrup (Al), and Welke and
23 Representatives Verchio, Heinert, Miller, Romkema, and Rozum

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to medical
2 requirements for intrastate drivers transporting passengers.

3 Was read the first time and referred to the Committee on Transportation.

4 SB 79 Introduced by: Senators Maher, Brown, Kirkeby, Lederman, and Rhoden and
5 Representatives Olson (Betty), Kaiser, Nelson, and Russell

6 FOR AN ACT ENTITLED, An Act to deposit money in the permanent school fund based
7 on certain acres of school and public lands open to public hunting.

8 Was read the first time and referred to the Committee on Education.

9 SB 80 Introduced by: Senators Maher, Begalka, Bradford, Brown, Frerichs, Lucas, and
10 Sutton and Representatives Sly, Bartling, Feickert, Hawley, Heinert, Hoffman, Hunhoff
11 (Bernie), Killer, Kopp, May, Nelson, Olson (Betty), Parsley, Russell, Schaefer, Schrempp,
12 Stevens, Tyler, Verchio, and Wismer

13 FOR AN ACT ENTITLED, An Act to reinstate certain provisions repealed in the Eighty-
14 seventh Legislative Session regarding the accounting for federal impact aid.

15 Was read the first time and referred to the Committee on Education.

16 SB 81 Introduced by: Senators Adelstein, Begalka, Bradford, Buhl, Holden, Lederman,
17 Maher, Rampelberg, and Tieszen and Representatives Hunhoff (Bernie), Hoffman, Kopp, Olson
18 (Betty), and Schrempp

19 FOR AN ACT ENTITLED, An Act to prohibit certain political activity within the Office
20 of the Secretary of State.

21 Was read the first time and referred to the Committee on State Affairs.

22 SB 82 Introduced by: Senators Adelstein, Bradford, and Buhl and Representatives Hunhoff
23 (Bernie), Kopp, and Schrempp

24 FOR AN ACT ENTITLED, An Act to provide for the nonpolitical election of the secretary
25 of state.

26 Was read the first time and referred to the Committee on State Affairs.

27 SB 83 Introduced by: Senators Holden, Adelstein, Begalka, Jensen, Lederman, Lucas,
28 Maher, Omdahl, Otten (Ernie), Soholt, Tieszen, and Welke and Representatives Magstadt,

1 Craig, Greenfield, Haggar (Don), Nelson, Olson (Betty), Parsley, Rounds, Rozum, Solum, and
2 Tulson

3 FOR AN ACT ENTITLED, An Act to designate Welcome Home Vietnam Veterans Day
4 as a working holiday.

5 Was read the first time and referred to the Committee on State Affairs.

6 SB 84 Introduced by: Senator Johnston and Representative Schrempp

7 FOR AN ACT ENTITLED, An Act to create the South Dakota Athletic Commission and
8 to provide for the supervision of boxing, kickboxing, mixed martial arts competitions and
9 sparring exhibitions in the state.

10 Was read the first time and referred to the Committee on State Affairs.

11 SB 85 Introduced by: Senators Olson (Russell), Brown, Frerichs, Holden, Johnston, Krebs,
12 Lederman, Novstrup (Al), Rave, Tidemann, Welke, and White and Representatives Magstadt,
13 Cronin, Greenfield, Hoffman, Hunhoff (Bernie), Munsterman, Novstrup (David), Parsley,
14 Peterson, Rounds, Solum, and Wick

15 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the production
16 incentive payment available to ethanol producers.

17 Was read the first time and referred to the Committee on Commerce and Energy.

18 SB 86 Introduced by: Senators Kirkeby, Lederman, Lucas, and Tieszen and
19 Representatives Rounds, Craig, Heinert, Nelson, Rozum, Tulson, and Tyler

20 FOR AN ACT ENTITLED, An Act to increase the minimum salary payable to county
21 officials, state's attorneys, and sheriffs.

22 Was read the first time and referred to the Committee on Local Government.

23 SB 87 Introduced by: Senators Peters, Brown, Holden, Lederman, Olson (Russell), Rave,
24 Rhoden, Tidemann, Vehle, and White and Representatives Cronin, Gosch, Lust, and Rounds

25 FOR AN ACT ENTITLED, An Act to establish the effective date of the sales tax
26 collection allowance for retailers.

27 Was read the first time and referred to the Committee on Commerce and Energy.

1 SB 88 Introduced by: Senators Rampelberg, Ewing, Jones, Maher, and Sutton and
2 Representatives Verchio, Cronin, Olson (Betty), Rounds, and Schaefer

3 FOR AN ACT ENTITLED, An Act to authorize the county to deny bids on county sales
4 of tax deed properties if the bidder is not current on property taxes due.

5 Was read the first time and referred to the Committee on Local Government.

6 SB 89 Introduced by: Senators Olson (Russell), Brown, Frerichs, Holden, Johnston, Krebs,
7 Lederman, Novstrup (Al), Rave, Tidemann, Welke, and White and Representatives Solum,
8 Cronin, Greenfield, Hoffman, Hunhoff (Bernie), Magstadt, Munsterman, Novstrup (David),
9 Parsley, Peterson, Rounds, Verchio, and Wick

10 FOR AN ACT ENTITLED, An Act to limit the liability of retail dealers in petroleum
11 products under certain conditions.

12 Was read the first time and referred to the Committee on Commerce and Energy.

13 SB 90 Introduced by: Senators Peters and Tidemann and Representatives Romkema and
14 Carson

15 FOR AN ACT ENTITLED, An Act to revise the General Appropriations Act for fiscal
16 year 2013, to provide funding for the increased costs associated with the employee health
17 insurance and internal service bureaus, and to declare an emergency.

18 Was read the first time and referred to the Committee on Appropriations.

19 SB 91 Introduced by: Senators Begalka, Lucas, and Otten (Ernie) and Representatives
20 Nelson, Hickey, Kaiser, Kopp, Olson (Betty), Parsley, Peterson, Russell, and Stalzer

21 FOR AN ACT ENTITLED, An Act to reduce the rate for the contractor's excise tax over
22 a period of time and to repeal the contractor's excise tax in three years.

23 Was read the first time and referred to the Committee on Appropriations.

24 SB 92 Introduced by: Senators Kirkeby, Johnston, Lederman, Lucas, Maher, Monroe,
25 Novstrup (Al), Otten (Ernie), Rave, Rhoden, and Welke and Representatives Solum, Conzet,
26 Cronin, Dryden, Feickert, Feinstein, Greenfield, Heinert, Hoffman, Hunhoff (Bernie), Johns,
27 Magstadt, Miller, Munsterman, Novstrup (David), Olson (Betty), Otten (Herman), Rozum,
28 Schaefer, Schrempp, Stalzer, Tyler, Verchio, and Wink

29 FOR AN ACT ENTITLED, An Act to provide for the repair of property that has sustained
30 damage when the materials are no longer available in the marketplace.

1 Was read the first time and referred to the Committee on Commerce and Energy.

2 SB 93 Introduced by: Senators Kirkeby, Brown, Johnston, Krebs, Lederman, Lucas,
3 Maher, Monroe, Novstrup (Al), Olson (Russell), Otten (Ernie), Rave, and Rhoden and
4 Representatives Hoffman, Conzet, Cronin, Dryden, Feickert, Greenfield, Heinert, Johns, Kaiser,
5 Magstadt, Miller, Munsterman, Novstrup (David), Olson (Betty), Otten (Herman), Rozum,
6 Schaefer, Schrempp, Solum, Stalzer, Tyler, Verchio, and Wink

7 FOR AN ACT ENTITLED, An Act to revise certain provisions concerning requirements
8 of fire sprinklers in single family dwellings.

9 Was read the first time and referred to the Committee on Local Government.

10 SB 94 Introduced by: Senators Lucas, Adelstein, Begalka, Bradford, Buhl, Jensen,
11 Kirkeby, Lederman, Novstrup (Al), Sutton, Van Gerpen, and Welke and Representatives
12 Hickey, Bolin, Craig, Duvall, Ecklund, Gibson, Hajek, Hawks, Heinert, Hoffman, Killer, Kopp,
13 Latterell, Magstadt, Qualm, Schaefer, Schoenfish, Sly, Soli, Steele, Tulson, Tyler, and Wick

14 FOR AN ACT ENTITLED, An Act to prohibit a social host from permitting the underage
15 consumption of alcoholic beverages on the social host's premises and to provide penalties
16 therefor.

17 Was read the first time and referred to the Committee on State Affairs.

18 **FIRST READING OF HOUSE BILLS AND JOINT RESOLUTIONS**

19 HB 1022: FOR AN ACT ENTITLED, An Act to repeal certain outdated programs relating
20 to the Department of Human Services.

21 Was read the first time and referred to the Committee on Health and Human Services.

22 HB 1040: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to
23 provide lists of licensed boat dealers.

24 Was read the first time and referred to the Committee on Taxation.

25 HB 1041: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
26 purchase price of rebuilt motor vehicles and to create a motor vehicle excise tax exemption for
27 sales tax paid on parts used in rebuilt motor vehicles and vehicles manufactured by individuals.

28 Was read the first time and referred to the Committee on Transportation.

1 HB 1042: FOR AN ACT ENTITLED, An Act to authorize manufactured home dealers to
2 submit license fees directly to the Department of Revenue and to provide an electronic renewal
3 notice to certain dealers.

4 Was read the first time and referred to the Committee on Transportation.

5 HB 1043: FOR AN ACT ENTITLED, An Act to authorize the Department of Revenue to
6 establish an electronic title system for motor vehicles and to revise certain provisions regarding
7 an electronic lien filing system.

8 Was read the first time and referred to the Committee on Transportation.

9 HB 1044: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
10 practice of optometry.

11 Was read the first time and referred to the Committee on Health and Human Services.

12 HB 1058: FOR AN ACT ENTITLED, An Act to repeal and revise certain statutes related
13 to the Animal Industry Board.

14 Was read the first time and referred to the Committee on Agriculture and Natural
15 Resources.

16 **SECOND READING OF CONSENT CALENDAR ITEMS**

17 Sen. Maher requested that SB 56 be removed from the Consent Calendar.

18 SB 54: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
19 references to the Internal Revenue Code.

20 Was read the second time.

21 The question being "Shall SB 54 pass?"

22 And the roll being called:

23 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holden;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 SB 46: FOR AN ACT ENTITLED, An Act to repeal certain outdated statutes and cross
9 references related to the Department of Health.

10 Was read the second time.

11 The question being "Shall SB 46 pass?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holden;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
18 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

22 SB 38: FOR AN ACT ENTITLED, An Act to increase the penalty for sexual acts between
23 correction facility employees and juvenile detainees.

24 Was read the second time.

25 The question being "Shall SB 38 pass?"

26 And the roll being called:

27 Yeas 35, Nays 0, Excused 0, Absent 0

1 Yeas:

2 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
3 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
4 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
5 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

6 So the bill having received an affirmative vote of a majority of the members-elect, the
7 President declared the bill passed and the title was agreed to.

8 SB 60: FOR AN ACT ENTITLED, An Act to revise certain definitions regarding the
9 appraiser certification program.

10 Was read the second time.

11 The question being "Shall SB 60 pass as amended?"

12 And the roll being called:

13 Yeas 35, Nays 0, Excused 0, Absent 0

14 Yeas:

15 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
16 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
17 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
18 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

19 So the bill having received an affirmative vote of a majority of the members-elect, the
20 President declared the bill passed and the title was agreed to.

21 SB 26: FOR AN ACT ENTITLED, An Act to update terminology for individuals with
22 intellectual disabilities and similar terms.

23 Was read the second time.

24 The question being "Shall SB 26 pass?"

25 And the roll being called:

26 Yeas 35, Nays 0, Excused 0, Absent 0

27 Yeas:

28 Adelstein; Begalka; Bradford; Brown; Buhl; Ewing; Frerichs; Heineman (Phyllis); Holien;
29 Hunhoff (Jean); Jensen; Johnston; Jones; Kirkeby; Krebs; Lederman; Lucas; Maher; Monroe;
30 Novstrup (Al); Olson (Russell); Omdahl; Otten (Ernie); Peters; Rampelberg; Rave; Rhoden;
31 Soholt; Sutton; Tidemann; Tieszen; Van Gerpen; Vehle; Welke; White

1 So the bill having received an affirmative vote of a majority of the members-elect, the
2 President declared the bill passed and the title was agreed to.

3 INTRODUCTION OF HONORED GUESTS

4 The President introduced Alayna Siemonsma, South Park Elementary in Rapid City, South
5 Dakota, 2012 South Dakota Milken Educator, and Katie Anderson, East Middle School in
6 Rapid City, South Dakota, 2013 South Dakota Teacher of the Year, to the body.

7 Sen. Frerichs moved that the Senate do now adjourn, which motion prevailed and at
8 2:40 p.m. the Senate adjourned.

9 Jeannette Schipper, Secretary

10 JOINT SESSION

11 Pursuant to the report of the Joint-Select Committee, as found on page 19 of the Senate
12 Journal, the Senate and the House of Representatives met in informal joint session in the House
13 Chamber for the purpose of having a memorial service for deceased former members and
14 reading of the following Joint Memorial Resolution:

15 **WHEREAS**, the Great Ruler of the Universe has ordered a final adjournment in the lives
16 of eight former members of the South Dakota Legislature, namely: the *Honorable James E.*
17 *"Jim" Abdnor*; the *Honorable Leonard E. Andera*; the *Honorable Charles E. "Eddie" Clay*; the
18 *Honorable Bertrum E. Ellingson*; the *Honorable Frank E. "Rudy" Henderson*; the *Honorable*
19 *Maurice J. "Maury" LaRue*; the *Honorable George H. Shanard*; and the *Honorable Burdette*
20 *C. Solum*; and

21 **WHEREAS**, in the lives of all these eminent public servants there was noted a profound
22 urgency in an unselfish manner, with trials and vicissitudes often far outweighing honors, but
23 with a consciousness that here in a land of freedom the dignity of the individual is supreme, that
24 justice must be dispensed, and that only by eternal vigilance and unrelenting effort can self-
25 government of a people be preserved; and

26 **WHEREAS**, it is fitting that we humbly honor the memory of those who have thus
27 contributed to the orderly process of government under the Constitution:

28 **NOW, THEREFORE, BE IT RESOLVED**, by the Senate and the House of
29 Representatives of the Eighty-eighth Session of the Legislature of the State of South Dakota
30 duly convened in recess session in recognition of the useful lives and unfailing devotion to the
31 interests of the State of South Dakota, as well as the rectitude of thought and action and fidelity
32 to the highest principles of American citizenship by these honorable people, that the Senate and
33 the House of Representatives do now pause in their labors out of respect for the memory of their

1 late fellow associates in the functions of government, and note that in their passing, the state
2 they have served so well has suffered a distinct loss, and though their labors have ceased and
3 they have been laid to rest, the people of this great state have benefited greatly from the services
4 rendered by them and they have left upon the sands of time an inspiring record of devotion to
5 their fellow citizens under the guiding hand of Almighty God; and

6 **BE IT FURTHER RESOLVED,** that this Resolution be printed in the journals of the
7 Senate and the House of Representatives of the Eighty-eighth Session of the Legislature of the
8 State of South Dakota, now assembled this 17th day of January, 2013, at Pierre, South Dakota.